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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,450	05/10/2005	Michael Anthony Pugel	PU030231	4781
24498 7590 07/30/2007 JOSEPH J. LAKS, VICE PRESIDENT THOMSON LICENSING LLC PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			EXAMINER PARK, JEONG S	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 07/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,450

Applicant(s)

PUGEL ET AL.

Examiner

Jeong S. Park

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/10/2005, 5/17/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 3-5, 8-11 and 13-16 are objected to because of the following informalities:

In claim 3, line 1, the phrase "the alert message" should be corrected as --the alert based information-- for clear understanding of the claim;

In claim 4, line 2, the phrase "the supplemental information" should be corrected as --a supplemental information-- for clear understanding of the claim;

In claim 5, line 3, the phrase "the alert class" should be corrected as --an alert class-- for clear understanding of the claim;

Claim 8 should be dependent on claim 7 instead of claim 6. Similar correction should be made for claims 9 and 11;

In claim 8, line 3, the phrase "the network fabric" should be corrected as --a network fabric-- for clear understanding of the claim. Similar correction should be made for claim 14;

In claim 9, line 3, the phrase "the alert based information" should be corrected as --the alert message-- for clear understanding of the claim. Similar correction should be made for claim 10;

Claim 10 should be dependent on claim 9 instead of claim 8;

In claim 13, line 2, the phrase "an alert message" should be corrected as --the alert message-- for clear understanding of the claim; and

In claim 15, line 3, the phrase "the alert based information" should be corrected as --the alert message-- for clear understanding of the claim. Similar correction should be made for claim 16.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipate by Mason et al (hereinafter Mason)(U.S Patent No. 6,543,051 B1).

Regarding claim 1, Manson teaches as follows:

A system for inserting alert based information (alert message) into broadcast programming over a program distribution network (digital subscriber television system) comprising (a system for inputting emergency alert messages into a digital subscriber television system, see, e.g., abstract);

A program distributor (application servers, 203 in figure 2) that transmits the broadcast programming (television program) over the program distribution network (broadband network)(MPEG content from the application servers is delivered to a plurality of home communications terminals via a broadband network, see, e.g., col. 2,

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line 57 to col. 3, line 8);

A network fabric (207, 211 and 220 in figure 2), coupled to the program distributor (application servers, 203 in figure 2), used for transmitting data from the program distributor (QAM modulators, 206 in figure 2, combine the MPEG formatted information from the application servers for delivery as the in-band data, 207 in figure 2, via the transmission medium, 220 in figure 2, see, e.g., col. 3, lines 13-16);

The program distributor (EAS receiver, 105 in figure 3, wherein the application server 203 and EAS 105 and EAC 106 work together as the program distributor) receives the alert based information (see, e.g., col. 4, lines 28-33) and converts the alert from a first format to a second format compatible with the programming broadcasted via the network fabric (EAS 105 converts the text emergency alert message into a text display file compatible with the digital subscriber system, see, e.g., col. 4, lines 52-58 and steps 406 and 410 in figure 4); and

The program distributor inserts the converted alert into the broadcast programming via the network fabric (the converted emergency alert message was sent to the application server at step 414 in figure 4, see, e.g., col. 5, lines 5-6, wherein the application servers distribute the converted emergency alert message with the television program through QAM modulators, 206 in figure 2, with in-band delivery path, 207 in figure 2, see, e.g., col. 3, lines 13-15).

Regarding claim 2, Manson teaches as follows:

The converted alert (generated from EAS and EAC, 105 and 106 in figure 3 respectively and sent to the application server, 203 in figure 2 and figure 3) and the

programming broadcasted via the network fabric (transmission medium, 220 in figure 2) are capable of being rendered on at least one of: a display device and an audio based device (the converted message, which was sent from the application servers, 203 in figure 2 and figure 3, and television program are transmitted to the TV, 256 in figure 2, by the HCT, 250 in figure 2, for display to the subscriber, see, e.g., col. 3, lines 19-26).

Regarding claims 3, 8 and 14, Manson teaches as follows:

The alert message received is an audible based message that is converted into data capable of being broadcasted over the network fabric for rendering on an audio device (emergency alert message with an audio file is converted by EAS, 105 in figure 3, into an audio file compatible with the digital subscriber system which is TV, 256 in figure 2, inherently comprises audio and display devices, see, e.g., col. 4, lines 60-65).

Regarding claims 4, 9 and 15, Manson teaches as follows:

The program distributor adds supplemental information (elements) to the alert based information for broadcast; the supplemental information selected is based on data in the alert based information (the elements associated with an emergency alert message, see, e.g., col. 5, lines 23-29).

Regarding claims 5, 10 and 16, Manson teaches as follows:

The supplemental information selected is determined by the geographic region corresponding to the alert based information (identification code of each county that is to receive the digital emergency alert message in accordance with the FIPS code, see, e.g., col. 6, lines 3-6) and the alert class (event code in table 2) of the alert based information (see, e.g., col. 6, lines 18-28 and table 2).

Regarding claim 6, Manson teaches as follows:

The alert class is at least one of: an alert related to weather, an alert related to terrorist activity, and an alert related to a missing person (see, e.g., table 2).

Regarding claim 7, Manson teaches as follows:

A method for inserting alert based information (alert message) into broadcast programming over a program distribution network (digital subscriber television system) comprising (a system for inputting emergency alert messages into a digital subscriber television system, see, e.g., abstract) the steps of:

Receiving an alert message in a proprietary format (see, e.g., col. 4, lines 28-30);

Translating the alert message from the proprietary format into a second format compatible with a broadcast signal used for transmitting the broadcast programming (converts the received message into the message format compatible with the digital subscriber system, e.g., col. 4, lines 30-33 and 406 and 410 in figure 4); and

Transmitting the translated alert message with the broadcast programming (the application servers distribute the converted emergency alert message with the television program through QAM modulators, 206 in figure 2, with in-band delivery path, 207 in figure 2, see, e.g., col. 3, lines 13-15).

Regarding claim 11, Manson teaches as follows:

The programming is broadcasted in an MPEG compatible data stream (see, e.g., col. 3, lines 9-11).

Regarding claim 12, Manson teaches as follows:

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A method for translating a received alert message into a format capable of being broadcasted as part of a data stream comprising (a system for inputting emergency alert messages into a digital subscriber television system, see, e.g., abstract) the steps of:

Transmitting broadcast programming in an MPEG-2 compatible data stream (see, e.g., col. 3, lines 9-11);

Receiving the alert message in a proprietary format (see, e.g., col. 4, lines 28-30); and

Converting the alert message into data (converts the received message into the message format compatible with the digital subscriber system, e.g., col. 4, lines 30-33 and 406 and 410 in figure 4) that is inserted into packets used for transmitting the MPEG-2 compatible data stream (the converted emergency alert message was sent to the application server at step 414 in figure 4, see, e.g., col. 5, lines 5-6, wherein the application servers distribute the converted emergency alert message with the television program through QAM modulators, 206 in figure 2, with in-band delivery path, 207 in figure 2, see, e.g., col. 3, lines 13-15).

Regarding claim 13, Manson teaches as follows:

The converted alert message is identified by a PID corresponding to an alert message (message name field provides a unique name to identify the digital emergency alert message, see, e.g., col. 5, lines 64-65).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeong S. Park whose telephone number is 571-270-1597. The examiner can normally be reached on Monday through Thursday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP

July 11, 2007


NATHAN FLYNN
SUPERVISORY PATENT EXAMINER